

ONEIDA COUNTY PLANNING & ZONING
August 2, 2006
12:30 P.M. CLOSED SESSION – COMMITTEE ROOM #2
1:00 P.M. REGULAR MEETING – COMMITTEE ROOM #2
2ND FLOOR, ONEIDA COUNTY COURT HOUSE

Members present: Chairman Bob Metropulos
Scott Holewinski
Frank Greb
Ted Cushing –excused from the meeting at 3:28 P.M.
Larry Greschner

Department staff present: Karl Jennrich, Zoning Director
Pete Wegner, Assistant Zoning Director
Kurt Bloss, Land Use Specialist
Nadine Wilson, Land Use Specialist
Mary Bartelt, Typist III

Other County Staff: Brian Desmond, Assistant Corporation Counsel

See Attached Guest List:

1. Call to order.

Chairman Metropulos called the meeting to order at 12:30 P.M., in accordance with the Wisconsin Open Meeting Law.

2. Discussion/decision to approve the amended Agenda.

MOTION: (Frank Greb/Larry Greschner) to approve the August 2nd.2006 amended agenda. With all members present voting “aye” motion carried.

3. It is anticipated that the Committee may meet in Closed Session pursuant to Wisconsin Statutes, Section 19.85 (1)(g), conferring with legal counsel concerning strategy to be adopted by the governmental body with respect to litigation in which it is or is likely to become involved. A roll call vote will be taken to go into closed session.

MOTION: (Scott Holewinski/Ted Cushing) to enter into Closed Session. Roll Call Vote: Scott Holewinski “aye”, Frank Greb “aye”, Ted Cushing “aye”, Larry Greschner “aye” and Bob Metropulos “aye”. With all members voting “aye” motion carried.

TIME: 12:34 p.m.

4. A roll call vote will be taken to return to open session.

MOTION: (Ted Cushing/Larry Greschner) to return to open session. Roll Call Vote: Frank Greb “aye”, Bob Metropulos “aye”, Larry Greschner “aye” Ted Cushing “aye” and Scott Holewinski “aye”. With all members voting “aye” motion carried.

Committee conferred with legal counsel.

5. Discussion/decision to approve the meeting minutes of June 21, 2006 & July 5, 2006.

MOTION: (Scott Holewinski/Frank Greb) to approve the regular meeting and public hearing meeting minutes of June 21, 2006 and July 5, 2006. With all members voting “aye” motion carried.

6. Discussion/decision concerning the preliminary 3-lot (re-division) CSM of Thomas W & Karen A Vogel, owners, on property described as Lots 1 & 2, plat of Hemlock Woods, being part of Gov’t Lot 7, Section 3, T39N, R4E, in the Town of Minocqua.

Kurt Bloss, Land Use Specialist, presented the 3-lot (re-vision) CSM of Thomas W & Karen A Vogel to the committee. The property is zoned Single Family and meets all the square footage frontage requirements. The septic is suitable for the site. The Town Board of Minocqua and the Minocqua Planning Commission reviewed and approved this 3-lot CSM on August 1, 2006. One of the conditions that they proposed is that the approval be contingent upon any highway maintenance agreements on this proposed division are to remain as is and not be changed at this point.

The County concerns are the Town concerns and also the County would recommend that the Town and County language be placed on the plat that neither the Town or County are not responsible for any road maintenance.

MOTION: (Scott Holewinski/Ted Cushing) to approve the 3-lot Certified Survey Map of Thomas W & Karen A Vogel, Item #6 on today’s agenda with staff concerns. With all members voting “aye” motion carried.

7. Discussion/decision involving the preliminary 11-lot County Plat of “Grand Pines”, Naterra Land Inc., for property in part of Gov’t Lot 11, Section 35, T37N, R6E, on East Mitchell Lake in the Town of Cassian, PIN# CA 545.

Nadine Wilson, Land Use Specialist, presented to the committee the general information for the preliminary 11-lot County Plat of “Grand Pines”, Naterra Land Inc. There are 5 off water lots and 6 on water lots. East Mitchell Lake is a Class I water, which requires the larger size lots and larger frontage. The property is zoned Residential and Farming. Ms. Wilson pointed out the wetlands on the map presented to the committee. These wetlands are located in Lot 7 & 10. All of the lots can accommodate a conventional septic system. The Planning & Zoning Department had some questions regarding Lot #3 and Lot #5, as to whether or not they met the high land and lowland requirements. These lots are required to have 50,000 square feet, but 80% of that has to be highland. Lot 3 has 42,447 square feet of high land and 8,420 feet of low land. Also the right of way on those lots had to be exempted. The road is 66 feet wide and therefore, anything over 20 feet for an easement had to be excluded from the square footage. Therefore, Lots 3 and Lot 5 meet the minimums. Mitchell Lane is not a private road. The lot lines go to the center of Mitchell Lane. The reason for this is that Mitchell Lane had easement rights for a town road and not ownership. The private easement road to service Lots 1,2,3, 4,10 and 11. Lots 5,6,8 will be off Mitchell Lane and Lot 9 will be serviced off of Highway K.

The Town of Cassian reviewed and approved the preliminary 11-lot, but wish to review it again after the Planning & Zoning Committee approves or disapproves. The reason for the Town of Cassian wanting to take another look at this project is because there were so many revisions and the Town wishes to see the final map after the Planning & Zoning Committee reviews. One thing that the Town of Cassian agreed with was to put a formal maintenance agreement of record in the Register of Deeds office regarding the easement road.

MOTION: (Larry Greschner **not seconded) granting the preliminary 11-lot County Plat of "Grand Pines", Naterra Land Inc., Item #7 on today's agenda, with staff and Town concerns and conditions.**

Ms. Wilson, states the County's conditions and concerns.

1. Driveway permits are needed by both Oneida County and the Town of Cassian in order to get off of Highway K.
2. Town of Cassian and Oneida County not responsible for maintenance of easement, statement on the final plat.
3. A formal maintenance agreement for the easement users and this must be recorded in the Register of Deeds office.
4. Lots 8, 10 and 11 will not be able to access Highway K and this must be placed on the final plat.
5. Wetland fills are prohibited, statement on the final plat.
6. Road naming approved by the Land Information Office
7. Department of Natural Resources to verify Ordinary High Water Mark locations
8. One time exemption 9.93 (g) of ordinance for Lot 6, which does not meet the minimum riparian frontage width, which is 200 feet from point to point. Statement on the final plat.
9. Easement road to state "utility easement", utilities to be ran down road.
10. The Town of Cassian concerns and conditions must be incorporated herein

MOTION seconded by Frank Greb. With all members voting "aye" motion carried.

8. Discussion/decision involving the preliminary 4-lot CSM of Herbert J Weber Rev Trust for property described as part of Gov't Lot 3, Section 19, T38N, R6E, on Bear Lake, in the Town of Hazelhurst, PIN# HA 258-1.

Nadine Wilson, Land Use Specialist, presented the preliminary 4-lot CSM of Herbert J Weber Rev Trust to the committee. This property is zoned Single Family and Lot 2 has two dwellings on it, 875 feet of frontage and 35,000 square feet. Ms. Wilson stated that an on-site was done and the shed was being used as living quarters.

Mr. Foltz, "This shed has been a building up to now, a cottage." "This will be converted into a shed and will be discontinued as a residential building."

There are no wetlands or flood plain. Bear Lake is a Class II Waterway. There is a sanitary system for the house, which was installed in 1997. The borings for Lots 1,3 and 4 indicate conventional systems. There is a well on Lot 2 and new wells will be put in for Lots 1,3 and 4. Two easements are shown and both are joint driveway easements. One is to service Lots 1 and 2 and the other to service Lots 3 and 4. The utilities will also be included in the joint driveway easement.

Staff would recommend approval with the recommendation that:

1. Both owners of the joint driveway to share equally in the maintenance and statement to that fact should be in the deed or on the certified survey map
2. Shed on Lot 2 shall not have living quarters and the Planning & Zoning Department should be notified of this for an on-site inspection and this will be place on the certified survey map
3. Contact the Land Information Office for fire numbers
4. Contact the Town of Hazelhurst for driveway permits

MOTION: (Frank Greb/Scott Holewinski) to approve the preliminary 4-lot CSM of Herbert J Weber Rev. Trust, Item #8 on today's agenda, with staff and town concerns. With all members voting "aye" motion carried.

9. Discussion/decision concerning a 2-lot CSM lot line reconfiguration for Gerald Jakubowski, owner, being part of the NW SW, Section 36, T39N, R6E, in the Town of Sugar Camp, PIN# SU 1025-1 & SU 1025-2.

Nadine Wilson, Land Use Specialist, presented the 2-lot CSM lot line reconfiguration for Gerald Jakubowski to the committee. Ms. Wilson did not send this to the Town of Sugar Camp because the number of lots were never changed. When Mr. Jakubowski's daughter sold her house the property line was moved, but retained the 3 lots. Now Mr. Jakubowski's shop was sold. Mr. Jakubowski lives in the house, and the septic does not fall within the existing lot, so the property lines were moved to accommodate the house, septic and the shop. The boundary line lots were reconfigured.

MOTION: (Scott Holewinski/Ted Cushing) to approve the 2-lot CSM lot line reconfiguration of Gerald Jakubowski, Item #9 on today's agenda. Will all members voting "aye" motion carried.

10. Discussion/decision involving the first addition to Wilderness Rest Cemetery Plat to add an additional 140 blocks to the original plat on property being described as part of the NE SE, Section 14, T38N, R7E. Committee recommendation must be forwarded to the County Board of Supervisors.

Mr. Karl Jennrich stated that a resolution regarding Item #10 would come to the Planning & Zoning Committee for signatures and forward on to the County Board. Mr. Jennrich reads the resolution into the record. There is no Public Hearing required.

MOTION: (Larry Greschner/Scott Holewinski) to forward resolution to the County Board. With all members voting "aye" motion carried.

11. Discussion/decision concerning Ordinance Amendment #12-2006 authored by the Planning & Zoning Committee to amend Section 9.94 & 9.98 of the Oneida County Zoning & Shoreland Protection Ordinance. Schedule for public hearing.

Pete Wegner, Assistant Zoning Director, explained to the committee that he added language, which was discussed at the last meeting, that being "the maximum length of a boathouse" #7. Mr. Wegner added language to read, "the maximum length of a boathouse landward and away, from the OHWM shall not exceed 36 feet."

Mr. Wegner also explained that the committee wanted some language regarding a "pitched roof".

Mr. Frank Greb asks if the 20 feet and 36 feet include overhangs.

Mr. Wegner, "That is just the footprint of the boathouse." "No."

Mr. Holewinski suggests that the language should include the overhangs with a measurement of 24' by 40'.

Mr. Wegner, "But then they could put a 6" overhang and have a 23' wide boathouse."

Mr. Holewinski, "How about no more than a 2' overhang?"

Mr. Wegner read #9 – Decks, platforms, & other construction not essential for berthing of boats is prohibited.

Mr. Wegner, "So you want me to add, not to exceed 20' with an overhang not to exceed 2'?"

Committee agrees.

Mr. Jennrich, "Let's just say, "Shall not exceed 24' width including overhang?"

Committee does not agree.

More discussion took place.

Scott Holewinski, "You then have your maximum boathouse size of 20' x 36' and no more than 2' overhangs and eaves around the total boathouse."

Mr. Wegner reads #8, "The other change is that a boathouse shall have a pitched roof with a minimum pitch of 2.3 to 12." (This is the minimum requirement for an overlay district #1.)

Mr. Wegner referred to 9.98 PIERS, OTHER BERTH STRUCTURES, SHORELAND BULK REQUIREMENTS (#83-2003) M. Boathouses, Larry Heath requested that to be consistent with the language I just read to you, add in "the maximum length of a boathouse landward and away from the OHWM shall not exceed 36', shall have a pitched roof with a minimum pitch of 2.3 to 12 and should not be constructed on slopes 20% or greater." **NOTE:** Mr. Wegner will add the language regarding the overhangs and eaves into this language.

Mr. Greschner asks if the language should also reflect the setback from the OHWM.

Mr. Wegner, "We could and probably should put in both 9.94 and 9.98."

In order to be non-redundant, Mr. Wegner will state same language in both Section 9.94 and 9.94.

Mr. Greb is not in favor of repeating language in both ordinances.

Committee suggests that in 9.98 PIERS, OTHER BERTH STRUCTURES, SHORELAND BULK REQUIREMENTS (#83-2003) M. Boathouses, language should refer back to 9.94 language to be consistent.

Mr. Frank Greb suggests in 9.98 M. to say "any permitted boathouse shall be confined to the viewing area." PERIOD.

Number 14 under 9.94 can stay the same.

Mr. Greb, "We didn't review under 9.94 #10, 11."

Mr. Wegner, "Those were reviewed previously."

Mr. Greb, "OK, go down to #12, I disagree with that." "The verbiage was changed but it still means the same."

Mr. Wegner will refer this to Karl.

Mr. Greb, "If I put a chair or a radio in my boathouse, it is illegal."

Mr. Holewinski, "I think it should be left the way it is and let Planning & Zoning department interpret it."

MOTION: (Scott Holewinski/Ted Cushing) to approve Ordinance #12-2006 with corrections made accept #12 and schedule for Public Hearing. Roll Call Vote: Scott Holewinski "aye", Frank Greb "no", Larry Greschner "no", Ted Cushing "aye" and Bob Metropulos "aye". 3 ayes, 2 nos. Motion carried.

12. Discussion/decision concerning amendments to Section 9.73 Overlay Districts in the Oneida County Zoning & Shoreland Protection Ordinance.

Mr. Wegner stated that the committee had reviewed this in the past and that the last time the committee discussed this, the committee wanted Mr. Wegner to add language to cover the issue of "location" of a replacement. Mr. Wegner added in language to read "a replacement structure would have to be located in the same parcel, lot, or tract of land."

Committee agrees with the language.

Mr. Jennrich suggests attaching an appendix with drawings to Section 9.73 overlay districts ordinance.

MOTION: (Ted Cushing/Larry Greschner) to approve dwelling overlay district changes and schedule for Public Hearing. With all members voting "aye" motion carries.

13. Discussion/decision concerning amendments to Section 9.93 Waterway Classifications in the Oneida County Zoning & Shoreland Protection Ordinance.

Mr. Jennrich handed out to the committee the draft 8/2/06 9.93 LOT SIZES IN SHORELAND AREAS; WATERWAY CLASSIFICATION (amend. #08-2007) (79-2003) for review.

Mr. Jennrich explained to the committee that he had attended the Town of Minocqua Planning Commission meeting on Wednesday, July 25, 2006 and he was asked by the Planning Commission to bring three issues to the Oneida County Planning & Zoning Committee. One of those being that the Town of Minocqua Planning Commission want zoning district B6, which is the zoning district on the island, to be left alone. The Commission wants the Multi-Family Dwelling Units, etc. which are sewered water lots with no multiplier (leave it at 10,000 square feet plus the 65' frontage width) Therefore, if you meet those minimum requirements, you would be able to have unlimited Multi-Family development to a point. You would still have to meet the parking requirements and address any height concerns that the Town may have and address NR216 and 151, which are stormwater requirements. Therefore, you may be able to get higher density developments within the business B6, but other requirements would still have to be met within the ordinance, which may not allow such a large development. Both Mr. Jennrich and the Planning Commission were still concerned with height.

The second issue is that the Planning Commission would like Oneida County to proceed very slowly or hold off making revisions to the waterway charts in order to take a look at the possible economic impacts of changing these charts and requiring frontage multipliers. Mr. Jennrich explained to the Commission that the Planning & Zoning Committee wants to eliminate lots created prior to May 19, 1999 and that the committee wanted some type of frontage multiplier to be used along with the density multiplier.

The third issue is “camping”. The Town of Minocqua has camping concerns.

Mr. Jennrich will talk to Chair Metropulos if the “camping” issue should be placed on a future agenda.

Mr. Jennrich reviewed the draft 8/2/06 with the committee. EXHIBIT #2

Mr. Jennrich explains to the committee that this draft still have to go to Corporation Counsel for review prior to going to Public Hearing, if the committee deems so.

Mr. Jennrich explains that under 9.83 C. Applicability – that it now reads “All lots created ~~after May 19, 1999~~, on waterways intended for single or multiple family development must comply with the waterway classification standards contained in this section and Appendix B. Specifically this section supersedes minimum requirements found in Appendix A, unless stated otherwise in this section. Waterway classification requirements apply to riparian lands.

Mr. Jennrich feels that the issue is taken care of by striking through “after May 19, 1999, but that you still have to comply with the waterway classification system.

Mr. Jennrich also stated that the department is still looking to removing the lot size modification and this is a policy decision of the P & Z Committee also. On Class II waterways you still would have to have lots 200’ but could exempt under 9.93 G. (a one time deal) one lot, which would meet 100’ (frontage).

Committee reviews draft 8/2/06.

MOTION: (Scott Holewinski/Frank Greb) to keep 9.93 G and staff to take a look at comments made by the committee. With all members voting “aye” motion carries.

Mr. Jennrich then reviewed the charts regarding unsewered and sewerer lots along with Class II waterways (Multi-family), with the committee. Mr. Jennrich also discussed District 6 Business in regards to eliminating unsewered water lots prior to 5/19/1999 because all lots in B6 are sewerer lots. In addition to this, lots created prior to 5/19/1999, under sewerer water lots was eliminated and kept the 10,000 square feet and 65’ frontage and width. Also, in B6 Class II Waterways, Multi-family unsewered lots greater than 50 acres includes rivers and streams the area stays the same + 15,000 sq. ft. RFW + (changed from 75’) to 40’ ALW + (changed from 60’) to 40’. District 7 business as changed in Exhibit #2 would be less restrictive than B6.
EXHIBIT #2

Mr. Jennrich discussed 9.75 – Legal Pre-existing Lots- This applies to a lawfully existing parcel lot or tract of land of smaller dimensions and/or area then the minimum required by appendix A or B of this ordinance may be used as a building site for Single Family dwelling. Mr. Jennrich explained that if you have a lot that doesn’t have the 100’ of frontage, even though Appendix A says that you have to have 100’ of frontage, 9.75 lets you build a Single Family home on that lot as long as it is filed with the Register of Deeds or a map with the surveyors office. If this cannot

be met, you can apply for a variance. The other change to this is that an ordinance amendment which says, "a lawful existing parcel, lot or tract of land of smaller dimensions and/or area then the minimum required in Appendix A for zoning districts 6 & 7 Business B1 and B2, and 10 General Use may be used for any allowed use of those districts with the issuance of a conditional use permit, the existing parcel/use must meet the conditions of 9.75 C & D, which states, 1. It must be recorded or filed with the Register of Deeds prior to enactment of this ordinance 2. Creation of a map or survey exists which is signed and dated by a surveyor prior to the Oneida County Zoning and Protection Ordinance or the Oneida County Sub-division Ordinance 3. Create an exempt under the Oneida County Zoning and Shoreland Protection Ordinance.

Committee tabled for further discussion.

Committee recessed at 2:31 P.M. to conduct the Public Hearing meeting.

Committee reconvened at 3:13 P.M. to continue with the Regular P & Z Meeting.

Committee continued discussing Item # 13, Section 9.93 Waterway Classifications.

Mr. Jennrich continued discussing District 8- Manufacturing and Industrial, eliminating the sewered and unsewered water lots prior to 5/19/1999 with no other changes. Mr. Jennrich also discussed District 10-General Use. EXHIBIT #2 (cont'd).

Committee agrees with the direction Mr. Jennrich is going and Mr. Jennrich will forward a letter showing the changes to B6 and B7 to Mr. Joe Handrick asking for any comments. Staff will bring back.

14. Discussion/decision concerning departmental operations/procedures/organization.

Committee agrees to table this item for the next Planning & Zoning Committee meeting.

15. Discussion/decision concerning Denial of Rezone Petition #32-2005/proposed Resolution scheduled for the County Board of Supervisors.

Mr. Jennrich reads Rezone Petition #32-2005 for the record.

MOTION: (Frank Greb/Ted Cushing) to approve standard resolution for denial and forward to the Full County Board. With all members voting "aye" motion carries.

MOTION: (Ted Cushing/Larry Greschner) to accept the Planning & Zoning Committee's proposed findings for the Jaros Rezone Petition #32-2005 and send out to all County Board Supervisors as soon as possible. With all members voting "aye" motion carries.

Ted Cushing excused from the meeting at approximately 3:28 P.M.

16. Discussion/decision concerning Ordinance Amendment #09-2006/proposed Resolution scheduled for the County Board of Supervisors.

Mr. Jennrich explained to the committee that he had brought this to the committee previously regarding 9.83 to Composition the Board of Adjustment and reads the ordinance into the record with the changes as follows: 9.83 to Composition the Board of Adjustment pursuant to 596942-

A, the Board of Adjustment shall have 5 regular and 2 alternate members, none of whom shall be a member of the Oneida County Board of Supervisors, etc. Committee signs resolution.

MOTION: (Frank Greb/Larry Greschner) to forward Ordinance Amendment #09-2006 to the Full County Board. With all members voting “aye” motion carries.

17. Discussion/decision of line item transfers, refunds, purchase orders and bills.

Mr. Karl Jennrich presented the expenses, mileage and refunds to the committee. Total of mileage and refunds \$1,958.97 (Donald Peterson-\$150.00, Action Team Plumbing-\$75.00, A-1 Septic-\$75.00) EXHIBIT #3.

Mr. Karl Jennrich presented to the committee the blank purchase orders – 2006 for a total of \$244.43 – EXHIBIT #4.

MOTION: (Larry Greschner/Frank Greb) to approve refunds, transfers, purchase orders and bills as presented. With all members voting “aye” motion carries.

18. Communications.

Mr. Jennrich stated that #02-2006 – 9.94 Driveways will be on the next agenda.

19. Public comments.

Frank Greb discussed Brian Desmond's 7/5/2006 letter, which quoted Wisconsin Stats. Section 59.69 – An ordinance enactment of this section may not prohibit continuation of the lawful use of any building or premises or any trade or industry for which such building or premises is used at the time the ordinance takes affect. But the alteration or addition to or a repair in access of 50% of assessed value of any existing or structure the purpose of carrying on any other prohibited trade or new industry within the district where such buildings or structures are located may be prohibited.

Mr. Frank Greb, “It doesn’t say it “shall” be prohibited, it says “may be prohibited”. “It doesn’t say you can’t do it.” “Am I quoting it right?”

Mr. Jennrich, “Yes.” “Right now, you would have to take a look at 9.50 because it says, “legal pre-existing uses, no expansion. Illegal pre-existing use of a structure “shall”, “Shall, shall, shall.”

Mr. Greschner, “Yes, but what supercedes what?”

Mr. Jennrich, “My ordinance supercedes, I can be more restricted.”

Mr. Holewinski, “So we can change the word “shall” to “may” and then we would be done with the ordinance.”

Mr. Greschner, “We can go with the State statute if we wish.”

Mr. Jennrich, “Yes, we can talk to Corporation Counsel.”

Mr. Greb continues, "The continuance of the non-conforming use of a temporary structure may be prohibited." "It's (Weasel) not a temporary structure, so we don't have to worry about it." "As far as I'm concerned we can tell Mr. DalPonte that if he wants 100% you go right ahead."

Mr. Jennrich stated that he hoped to have 9.55 on the next agenda scheduled for August 16, 2006. The rezone petition for Weasel's will be on the next Public Hearing agenda for August 16, 2006.

20. Discussion/decision regarding future agenda items. - NONE

21. Adjourn.

3:45 PM There being no further matters to lawfully come before the Committee, a motion was made by Larry Greschner, second by Scott Holewinski to adjourn the meeting. With all members present voting "aye", the motion carried.

Chairman Bob Metropulos

Karl Jennrich Zoning Director